UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,557	02/27/2004	Richard L. Hartman	HA75-006	7069

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/788,557	HARTMAN ET AL.
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 February 2004*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*27 February 2004*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/27/04*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is issued in response to Application filed February 27, 2004.

2.   Claims 1-7 are pending.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 2/27/2004 was filed on

the mailing date of the application. The submission is in compliance with the provisions

of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered

by the examiner.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ
644 (CCPA 1969).
      A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
      Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

5.   Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-4 of U.S. Patent No. 5,758,324.

6.   The following table shows claims 1-7 of the instant application 10/788557 that

are rejected by corresponding claims 1-4 of the US Patent No. 5,758,324.

Claim Comparison Table

10/788557	5,758,324
Claims 1-7	Claims 1-4

7.   Regarding Claims 1-7, of the instant application, independent claims 1-7 are

anticipated by claims 1-4 of the corresponding patent, wherein the instant application

claim encompasses the corresponding patent claim, rendering the claims not patentably

distinct. For example, independent claims 1-7 of the instant application, the limitations of

receiving, communicating, and transmitting contact information and graphic files through

a system via HTML or WWW are encompassed within claims 1-4 of the corresponding

patent. Rendering the claims not patentably distinct.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

9.   **Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Taylor (US Patent No. 5,832,497) issued November 3, 1998.

Regarding Claim 1, Taylor discloses a system for handling resume graphic

files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15,

respectively, Taylor), via HTML (column 4, lines 15-25, Taylor), fields for at least

contact information, and resume graphic files which maintain the appearance,

format information, and font information of original documents (column 5, lines

24-49, Taylor); and

a client machine in selective communication with the server (column 3,

lines 7-15, Taylor), the server being configured to communicate to the client

machine a resume graphic file upload request (columns 4-5, lines 63-67 and 1-

15, respectively, Taylor), the client machine being configured to selectively

transmit via HTML, to the server (column 4, lines 15-25, Taylor), some of the

fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 2, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, and resume graphic files which maintain the appearance, format information, and font information of original documents (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine a resume graphic file upload request (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit via the World Wide Web, to the server (column 4, lines 15-25, Taylor), some of the fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 3, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor),

fields for at least contact information, and resume graphic files which maintain the appearance, format information, and font information of original documents (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine instructions for transmitting resume graphic files (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit via the World Wide Web, to the server (column 4, lines 15-25, Taylor), some of the fields of the contact information and a resume graphic file (column 6, lines 8-34, Taylor).

Regarding Claim 4, Taylor discloses a system for handling resume graphic files, comprising:

a server being configured to communicate (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), instructions for transmitting fields for at least contact information, and graphic files which maintain the appearance, format information, and font information of resumes (column 5, lines 24-49, Taylor); and

the server being further configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, and the graphic files (column 5, lines 24-49, Taylor).

Regarding Claims 5 and 7, Taylor discloses a system for handling resumes, comprising:

a server being configured to receive (columns 2-3, lines 59-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25, Taylor), fields for at least contact information, the server being further configured to receive appearance, format information, and font information of the resumes (column 5, lines 24-49, Taylor); and

a client machine in selective communication with the server (column 3, lines 7-15, Taylor), the server being configured to communicate to the client machine instructions for transmitting appearance, format information, and font information of the resumes (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), the client machine being configured to selectively transmit, to the server, via the World Wide Web (column 4, lines 15-25, Taylor), the appearance, format information, and font information of the resumes, and one or more fields of the contact information (column 6, lines 8-34, Taylor).

Regarding Claim 6, Taylor discloses a system for handling resumes, comprising:

a server being configured to communicate (columns 4-5, lines 63-67 and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25,

Taylor) instructions for transmitting appearance, format information, and font

information of the resumes (column 5, lines 24-49, Taylor); and

the server being further configured to receive (columns 2-3, lines 59-67

and 1-15, respectively, Taylor), via the World Wide Web (column 4, lines 15-25,

Taylor) the appearance, format information, and font information of the resumes,

and fields for at least contact information (column 5, lines 24-49, Taylor).

Other Prior Art Made of Record

10.   Salmon et al. (US Patent No. 5,592,375) discloses a system for brokering

transactions between sellers and a buyer of goods or services, including a database, a

seller interface, and a buyer's interface. The buyer's interface provides a knowledge-

based interactive protocol, enabling the buyer to select and review the descriptive

information from the database, and makes perceptible the multimedia information in

response to an interactive buyer request.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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